



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,896	02/29/2000	Akio Yoneyama	000233	9736
38834	7590	08/09/2004		EXAMINER
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				VO, TUNG T
			ART UNIT	PAPER NUMBER
			2613	23
			DATE MAILED: 08/09/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/515,896	YONEYAMA ET AL. <i>[Signature]</i>
	Examiner	Art Unit
	Tung T. Vo	2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 3,7,9,11,13,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 3,7,9,11,13,15 and 16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 February 2000 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

It is noted that claims 1, 2, 4, 5, 6, 7, 10, 12, 14, and 27-29 are canceled. Claims 17-26 were previously withdrawn from consideration. Claims 3, 7, 9, 11, 13, and 15-16 remain pending in the present application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 7, 9, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (US 6,151,360) in view of Fujiwara (US 6,052,417) as set forth in the previous Office Action, Paper No. 21 and discussion below.

3. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (US 6,151,360) in view of Fujiwara (US 6,052,417) as applied to claim 2 and 3, and further in view of Igarashi et al. (US 6,324,216 B1) as set forth in the previous Office Action, Paper No. 21 and discussion below.

Response to Arguments

4. Applicant's arguments filed 06/10/04 have been fully considered but they are not persuasive.

The applicant argued that Fujiwara does not teach a GOP boundary position being decided based on the decision by intra-frame coding mode decision means, the applicant further argued that Fujiwara does not describe a GOP position being decided when the inter-frame variance between time wise adjacent frame exceeds a predetermined value; and for at least these reason, nothing in the prior art, either alone or in combination, teaches or suggests the present claimed invention, pages 10-11 of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that Fujiwara does teach a GOP boundary position being decided based on the decision (1 and 2 of fig. 7, note the image rearrangement control circuit (2) determines the positions of I, P, and B pictures that are read out from frame memory (1) in an order designated by reference frame interval determining circuit (13)) by intra-frame coding mode decision means (4 of fig. 7; col. 7, lines 54-56, note the reference frame interval can be controlled with the interval being smaller than the number of frames of GOP, which means that the GOP boundary position is determined; see fig. 14, note the order of input 0-7 frames is rearrangement in order of coding I, B, P, B, P, P, P, P with the determined interval m=2 and m=1). Fujiwara further teaches a GOP position being decided (fig. 14) when the inter-frame variance between time wise adjacent frames exceeds a predetermined value (3 of fig. 7, note motion vector detecting circuit detects the inter-frame variance between time adjacent frames, current frame and previous frame; the reference frame interval determining circuit (13 of fig. 7) determines whether the prediction efficiency exceeds a prescribed threshold, see col. 14, lines 1-17). In view of the discussion above, the claimed features are unpatentable over Fujiwara and in the combination of Fujiwara and Kato.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TUNG T. VO
PATENT EXAMINER

T.Vo

Tung T. Vo
Primary Examiner
Art Unit 2613